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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	MAGIS NO. <u>2:07-MJ-266 A</u>
	:	
Plaintiff,	:	<u>COMPLAINT</u>
	:	
vs.	:	18 U.S.C. § 1344 [Bank Fraud]; 18
	:	U.S.C. § 1028A(a)(1) [Aggravated
	:	Identity Theft]
JOHN BRADLEY EGAN,	:	
	:	
Defendant.	:	

Before the United States District Court, District of Utah, at Salt Lake City,
appeared the undersigned, who on oath deposes and says:

COUNT 1

On or about June 9, 2006, in the Central Division of the District of Utah,

JOHN BRADLEY EGAN,

the Defendants herein, did knowingly execute and attempt to execute a scheme and

artifice to defraud a financial institution, and to obtain moneys and funds owned by and under the custody and control of said financial institution by means of false pretenses and representations, in that he without authorization did effect transactions from America First Credit Union account number XXX371-1, the account of L.C. at America First Credit Union, a financial institution as defined by 18 U.S.C. § 20 whose deposits, at all times material to this Indictment, were insured by the National Credit Union Share Insurance Fund, all in violation of 18 U.S.C. § 1344, and punishable thereunder.

COUNT 2

On or about June 9, 2006, in the Central Division of the District of Utah,

JOHN BRADLEY EGAN,

Defendant herein, did, without lawful authority, knowingly possess and use a means of identification of another person, to wit, the name and account number XXX371-1 of L.C. during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), to wit, Bank Fraud in violation of 18 U.S.C. § 1344 as alleged in Count 1, which Count is incorporated herein by reference, all in violation of 18 U.S.C. § 1028A(a)(1) punishable thereunder.

AFFIDAVIT

I, Jeffrey S. Ross, a Special Agent with the Federal Bureau of Investigation, being duly sworn, state as follows:

1. Your affiant has been employed as a Special Agent of the FBI since February 28, 1999 and is currently assigned to the Salt Lake City Field Office. Your affiant has been involved since 1999 in investigations relating to violations of federal criminal law involving narcotics and computer-based crimes involving child pornography and the sexual exploitation of minors. Your affiant additionally has drafted numerous search and arrest warrants involving violations of federal criminal laws and has participated in executing these warrants.

2. The information contained in this affidavit is based information conveyed to me by other law enforcement personnel.

3. I submit this affidavit for the limited purpose of establishing probable cause in support of this application for a complaint and arrest warrant, and thus it does not contain every fact known by the government. Additionally, unless otherwise noted, wherever in this affidavit I assert that an individual made a statement, that statement is described in substance and in part, and is not intended to be a verbatim recitation of the entire statement. All events alleged below as occurring at a date or time occurred at a date or time on or about that date or time.

A. PARTIES AND BANK ACCOUNTS

4. JOHN BRADLEY EGAN, the defendant, was a United States citizen residing in Utah at all relevant times through June 9, 2006.

5. "L.C.", Defendant's fiancé, resided in Utah at all relevant times until her move to Florida on June 5, 2006. She owned a condominium in North Salt Lake, Utah, that was in her name alone.

6. America First Credit Union (AFCU) was a credit union with accounts insured by the National Credit Union Share Insurance Fund. It therefore qualifies as a "financial institution" under 18 U.S.C. §§ 20, 1343. AFCU was located in Utah with branches located at, among other places, Centerville and Salt Lake City, Utah.

7. The following accounts were held at AFCU:

Account Number	Name(s) on Account
XXX371-1 ("the 371-1 account")	"L.C."
XXX690-9 ("the 690-9 account")	"L.C." and JOHN BRADLEY EGAN
XXX075-0 ("the 0750-0 account")	"I.L.E." and JOHN BRADLEY EGAN

B. BACKGROUND

8. In or about April 2005, "L.C." and JOHN BRADLEY EGAN met through their children. After becoming friends, "L.C." and EGAN eventually started dating and became engaged to be married.

9. Throughout their friendship and engagement, "L.C." and EGAN lived in separate residences. He resided in Bountiful, Utah, and she resided in North Salt Lake, Utah.

C. SALE OF CONDOMINIUM AND DEPOSIT OF PROCEEDS

10. Eventually, EGAN convinced "L.C." to sell her condominium and move to Tampa, Florida, where EGAN and "L.C." would get married and live together. EGAN further convinced "L.C." to use some proceeds of the sale for a down payment on a house for which EGAN would pay the mortgage.

11. On June 2, 2006, "L.C." sold her condominium and received the net proceeds of \$113,092.74 via check.

12. On June 5, 2006, "L.C." deposited the check into the 371-1 account, which she held in her name and her name only. The same day, "L.C." also deposited \$900 into the 690-9 account, "L.C." and EGAN's joint account. The \$900 was proceeds from the sale of "L.C."s furniture and other belongings.

13. After depositing this money, "L.C." and her daughter flew that night to Tampa, Florida. EGAN had said that he would drive to Florida with his son on June 8, 2006.

D. EGAN'S DISAPPEARANCE

14. "L.C." and EGAN spoke by telephone on June 6 and June 7, 2006. On June 8, 2006, EGAN told "L.C." that he was in a hotel with his son and would be leaving for Florida in the morning. In fact, he was not with his son that day.

15. On June 9, 2006, "L.C." attempted to return a call from EGAN, but was unable to reach him. "L.C." never heard from EGAN again.

E. BANK TRANSFERS AND WITHDRAWALS

16. On June 9, 2006, a person logged onto AFCU's online banking website and used "L.C."s personal identification number (PIN) to make six transfers totaling \$59,400 (\$9,900 apiece) from "L.C."s 371-1 account into "L.C."s and EGAN's joint 690-9 account. "L.C." states that she did not make these transfers or authorize anyone else to do so. Nor did she authorize anyone else to use her PIN to access her 371-1 account.

17. The same day, someone logged onto AFCU's online banking website and used "L.C."s PIN to make six transfers totaling \$50,500 from "L.C."s 371-1 account to EGAN's and his mother's 075-0 account. These transfers consisted of five transfers of \$9,900 and one transfer of \$1,000. "L.C." states that she did not make these transfers or authorize anyone else to do so. Nor did she authorize anyone else to use her PIN to access her 371-1 account.

18. According to AFCU personnel, the money was transferred on June 9, 2006, between 10:13 and 10:27 a.m. AFCU's records indicate that at approximately 11:12 a.m. that day, a person arrived at AFCU's branch in Centerville, Utah, and withdrew \$60,372 in cash from "L.C."s and EGAN's 690-9 account. AFCU's records further indicate that at approximately 11:49 a.m., a person arrived in person at AFCU's Metro branch in downtown Salt Lake City and withdrew \$50,000 in cash from EGAN's and his mother's 075-0 account.

19. "L.C." did not authorize EGAN to transfer or withdraw the money.

20. These transfers and balances are substantiated by copies of account records provided by AFCU.

21. AFCU reimbursed "L.C." for the \$109,900 in fraudulent withdrawals and has not been reimbursed by the person who made the withdrawals.

F. PROBABLE CAUSE TO BELIEVE THAT EGAN
TRANSFERRED AND WITHDREW THE MONEY

22. There is probable cause to believe that the money was transferred and withdrawn by EGAN.

23. According to AFCU records, on June 6, 2006, a person identifying himself as EGAN called AFCU's Bountiful branch inquiring if the branch had \$52,500 in cash to withdraw that day. EGAN claimed that "L.C." would be transferring funds into his account. EGAN was told that the money would have to be ordered and could be ready by June 9, 2006. EGAN asked, "How do bank robbers get away with so much money if you don't carry that much money in the branch?" Later the same day, a person identifying himself as EGAN called the AFCU Marketplace branch with the same request.

24. There is probable cause to believe that both withdrawals were made by EGAN. At both branches, the person withdrawing the cash used EGAN's Utah driver's license and Utah identification card to identify himself as EGAN, an account-holder, when withdrawing the cash. AFCU's surveillance photographs captured images of the person who received the cash at both branches, and EGAN's mother, "I.V.E." later confirmed that the pictures from both branches depicted her son, JOHN BRADLEY EGAN.

25. Although these withdrawals came from accounts that EGAN held jointly with others, the money he withdrew necessarily drew on the money transferred from "L.C."s account. Before the transfers into "L.C."s and EGAN's 690-9 account, the balance had been approximately \$2,455.98, but after the transfers he withdrew \$60,372. Before the transfers into EGAN's and his mother's 075-0 account, the balance had been approximately \$83.66, but after the transfers he withdrew \$50,000.

G. FLIGHT AND PREPARATIONS TO FLEE

26. There is probable cause to believe that EGAN prepared to flee Utah as part of the scheme to defraud "L.C." and AFCU, and to avoid detection and prosecution for using "L.C."s PIN and stealing her money.

27. One June 7, 2006, one day after a person purporting to be EGAN called AFCU branches to establish when the money would be available, a person went to the Utah Department of Vital Statistics and, using EGAN's Utah driver's license for identification, received official copies of birth certificates for EGAN, EGAN's father, and EGAN's mother.

28. EGAN'S mother last saw EGAN on June 8, 2006, when he went to her house to say goodbye. She saw his car packed with belongings. She has not heard from him since the cash withdrawals were made.

29. EGAN's mother discovered on June 21, 2006, that her and her husband's passports were missing from a safe in their Utah residence. EGAN had access to the safe: the safe had been kept unlocked, he knew where it was, and had a key to their home. A short while later, EGAN's mother also discovered that her and her husband's social security cards were also missing from the safe.

30. There is probable cause to believe that EGAN's destination was Mexico. Two years before, in approximately July 2005, EGAN had traveled to Monterrey, Mexico with his son. EGAN had told "L.C." that he had friends in Tampico, Mexico. EGAN often talked about Mexico with "L.C." and how easy it would be to leave the United States and go to Mexico. In addition, he told his son's mother that he would rather leave the United States and go to Mexico or Canada than pay the money he owed for child support.

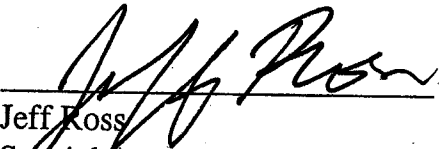
31. On or about July 23, 2007, I was informed by FBI Special Agent Paul Bingham, that EGAN was in custody in Cuba. Through communications with the Cuban authorities, it is believed that EGAN had attempted to travel by boat from Mexico to Ireland. The boat had mechanical trouble and was intercepted by the Cuban authorities. The Cuban authorities determined that EGAN was traveling on a false passport, possibly one with his true name and picture but an incorrect number, and took him into custody.

32. EGAN's travel to Mexico is inconsistent with his earlier assurances to "L.C." that he would meet her in Florida to get married and share a house.


H. PROBABLE CAUSE TO BELIEVE THAT EGAN VIOLATED UNITED STATES

LAW

33. Based upon the foregoing facts, I believe probable cause exists to conclude that JOHN BRADLEY EGAN, has violated Title 18, United States Code, § 1344 [Bank Fraud]; and 18 U.S.C. § 1028A(a)(1) [Aggravated Identity Theft].

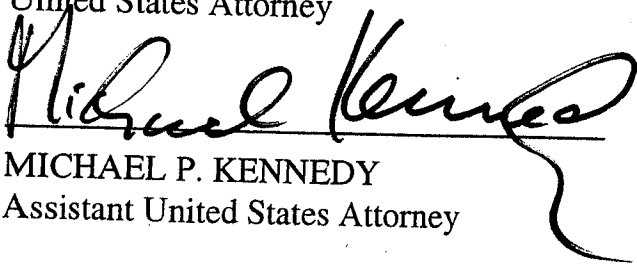

Jeff Ross
Special Agent, FBI

SUBSCRIBED AND SWORN TO BEFORE ME this 23rd day of July, 2007.


Samuel Alba
United States Magistrate Judge

APPROVED:

BRETT L. TOLMAN
United States Attorney


MICHAEL P. KENNEDY
Assistant United States Attorney